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(erroneously sued as Coleman Natural Foods, LLC)

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

12 BARBARA PERRY,

13 Plaintiff,

14 vs.

15 PERDUE FOODS, LLC and COLEMAN
16 NATURAL FOODS, LLC,

17 Defendants.

CASE NO.: 3:17-cv-03502-JST
18-cv-02664-JST

Judge Jon S. Tigar
Courtroom 9 – 19th Floor

Mag. Judge Jacqueline Scott Corley
Courtroom F – 15th Floor

**JOINT STIPULATION TO EXTEND
EXPERT DISCOVERY DEADLINES**

Complaint Filed: June 15, 2017

Trial Date: June 10, 2019

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JOINT STIPULATION TO EXTEND EXPERT DISCOVERY DEADLINES

Plaintiff BARBARA PERRY (“Plaintiff”) and Defendant PERDUE FOODS LLC dba Coleman Natural Foods (erroneously sued as Coleman Natural Foods, LLC) (“Defendant”), by and through their counsel of record, hereby jointly stipulate and respectfully request that the Court extend expert deadlines by approximately one (1) month as follows: (1) expert disclosure from January 4, 2019 to February 8, 2019; expert rebuttals from January 25, 2019 to February 22, 2019; and expert discovery cut-off from February 22, 2019 to March 22, 2019. In support of this stipulation, the parties state as follows:

WHEREAS, this Court entered its initial Pretrial Scheduling Order (“Scheduling Order”) on September 20, 2017 (Docket number 28);

WHEREAS, Plaintiff and Defendant entered into a first stipulation to continue discovery, expert disclosure and dispositive motion deadlines on June 12, 2018 (Docket number 36);

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1 WHEREAS, the Court granted and ordered the joint stipulation filed on June 12,
2 2018, and further ordered a continuance of the trial date to April 8, 2019 on June 14,
3 2018 (Docket number 37);

4 WHEREAS, Plaintiff and Defendant entered into a second stipulation to continue
5 discovery, expert disclosures, dispositive motion deadlines, and a first request to continue
6 trial to June 10, 2019 on August 22, 2018 (Docket number 38);

7 WHEREAS, the Court granted and ordered the joint stipulation to continue
8 discovery, expert disclosures, dispositive motion deadlines, and continue trial to June 10,
9 2019 on August 27, 2018 (Docket number 39);

10 WHEREAS, the Parties have continued to engage in written discovery and
11 depositions. Specifically, Defendant provided the following written discovery:

- 12 • Responses to Special Interrogatories, Set 2, Requests for Admissions, Set 2,
13 and Requests for Production of Documents, Set 3 on August 31, 2018;
- 14 • Supplemental responses to Requests for Production of Documents, Set 2 on
15 September 25, 2018;
- 16 • Supplemental responses to Special Interrogatories, Set 2, Requests for
17 Production of Documents, Set 1 and Set 3, and Requests for Admissions, Set
18 1 on November 1, 2018; and
- 19 • Responses to Special Interrogatories, Set 3 and Requests for Production of
20 Documents, Set 4 on December 11, 2018;

21 WHEREAS, Plaintiff produced supplemental documents, including Plaintiff's
22 medical records, on November 27, 2018 and December 10, 2018. Plaintiff also
23 conducted the following depositions:

- 24 • Barbara Ridilla, Defendant's former Human Resources Manager, on
25 September 6, 2018;
- 26 • Shelia McCormick, Plaintiff's former coworker, on November 20, 2018;
- 27 • Dr. Kate McCaffrey on November 30, 2018;
- 28 • Defendant's person most knowledgeable on December 13, 2018; and

- 1 • Gary Miller, Defendant's Human Resources Director, on December 13,
2 2018;

3 WHEREAS the Parties completed fact discovery by the deadline of December 14,
4 2018;

5 WHEREAS, the Parties mediated this matter with Fred Butler, Esq. on December
6 19, 2018. The case did not resolve;

7 WHEREAS while the Parties were actively engaged in completing fact discovery
8 to meet the cut-off and prepare for the December 19, 2018 mediation, the Parties deferred
9 expert costs to attempt resolution. As mediation was unsuccessful, the Parties now desire
10 to complete expert discovery and request a continuance of the current expert discovery
11 deadlines by approximately one (1) month to provide sufficient time to complete expert
12 discovery;

13 WHEREAS, based on the progress of this case, an extension of the deadlines for
14 expert discovery will allow the parties to appropriately prepare for trial;

15 WHEREAS, the proposed extension of the deadlines for completing expert
16 discovery will not delay or prejudice the timely resolution of this case;

17 WHEREAS, the Parties are requesting a brief one (1) month continuance for expert
18 disclosures, expert rebuttals, and the expert discovery cut-off; and

19 WHEREAS, Federal Rule of Civil Procedure 16(b)(4) requires good cause and
20 judicial consent as prerequisites to modifying a scheduling order.

21 THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order from
22 this Court permitting the following new expert discovery deadlines:

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Event	Date
Expert disclosures	February 8, 2019
Expert rebuttal	February 22, 2019
Expert discovery cut-off	March 22, 2019

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1 WHEREAS, all other currently scheduled dates, including the June 10, 2019 trial
2 date, will remain as currently scheduled.

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4 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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6 DATED: December 21, 2018 /s/ Tanva Tambling
7 Attorney for Plaintiff

8 DATED: December 21, 2018 /s/ Erin W. Kendrella
9 Attorney for Defendant

10 IT IS SO ORDERED.

11 Dated: December 21, 2018

12 
13 Hon. Jon S. Tigar
14 United States District Judge